

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
MARCH 17, 2003  
6:30 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

PRESENT: Commissioner David Sandifer, Chairman  
Commissioner Phil Norris, Vice-Chairman  
Commissioner May Moore  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Mark Seagle, Assistant County Attorney  
Debby Gore, Clerk to the Board  
Margie Stephenson, Deputy Clerk  
Lithia E. Brooks, Fiscal Operations Director  
  
Tony Cummings, Chief Deputy

**I. CALL TO ORDER**

Chairman Sandifer called the meeting to order at 6:30 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Sandifer asked if there were any adjustments to the agenda. There were no adjustments.

Commissioner Rabon moved to approve the agenda. The vote of approval was unanimous.

**IV. PUBLIC COMMENTS**

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Buddy Rudd of Oak Island spoke in opposition of the Land Transfer Tax.
2. Dick Marshall, President of the Board of Realtors stated he was totally against the Land Transfer Tax stating it will stop entry level housing in the County.

3. Lee Weddig, Alliance of Brunswick County Property Owners Association, spoke concerning the proposed Landfill site on the Brunswick County/Columbus County line. Mr. Weddig stated he did not object to the Landfill but is concerned that it will have long term effects on Brunswick County.

## **V. APPROVAL OF CONSENT AGENDA**

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

### **A. Minutes**

1. Board Retreat Minutes of February 24, 2003
2. Board Retreat Minutes of February 25, 2003
3. Board Retreat Minutes of February 26, 2003
4. Public Hearing Minutes of March 3, 2003 6:00 p.m.
5. Public Hearing Minutes of March 3, 2003 6:15 p.m.
6. Regular Meeting Minutes of March 3, 2003

### **B. Tax Matters**

1. Approval of Tax Releases for March 2003 (**Exhibit Book 34, Attachment #1**)
2. Approval of Fire Fee Releases for March 2003 (**Exhibit Book 34, Attachment #2**)
3. Approval of Motor Vehicle Valuation & Levy for November 2002 (**Exhibit Book 34, Attachment #3**)

### **C. Finance (Exhibit Book 34, Attachment #4)**

We are in receipt of the following FY 2002-2003 budget amendment requests:

#### **1) Communities in School - Teen Court**

\$20,000 Increase

State Revenue - JJDP Grant Funds

This budget amendment represents the amount approved by the State for the Juvenile Justice and Delinquency Prevention (JJDP) grant specific to Teen Court for FY 02-03. The County is the pass through agency for this grant with all grant funds being remitted to Communities in School (CIS) for its administration of Teen Court. County funds are not involved.

#### **2) Health Department - Bioterrorism Preparedness**

\$26,390 Increase

State Revenue - Restricted

This amendment represent a State grant for bioterrorism preparedness the procurement of emergency supplies, materials and data processing equipment. These grant funds must be expended by April 30, 2003. County funds are not involved.

We request the Board's concurrence to amend the FY 2002-2003 Budget Ordinance accordingly.

### **D. Road Petition (Exhibit Book 34, Attachment #5)**

1. Request approval of SR-2 Resolution for Cherry Lane, Pineclair Drive and Yaupon Drive in Clariday Woods.

### **E. Operation Services (Exhibit Book 34, Attachment #6)**

1. Request approval of proposed drainage projects for Mosquito Control

### **F. Volunteer Services (Exhibit Book 34, Attachment #7)**

1. Request approval of Proclamation in Celebration of National Volunteer Week.

## **VI. ADMINISTRATIVE REPORT**

### **1. Planning – Map Amendment Z-03-02 – (Leslie Bell)**

Staff recommends that the Board of Commissioners consider denying Second Reading and adoption of Map Amendment Z-03-02.

Commissioner Sue moved to approve Second Reading and adoption of Map Amendment Z-03-02. The vote of approval was unanimous. (Exhibit Book 34, Attachment #8)

### **2. Brunswick Transit System, Inc. – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider setting a Public Hearing for April 7, 2003 at 5:55 p.m. to receive comments regarding the recommendation of allocation of ROAP funds for Brunswick Transit System, Inc.

Vice-Chairman Norris moved to set a Public Hearing for April 7, 2003 at 5:55 p.m. The vote of approval was unanimous. (Exhibit Book 34, Attachment #9)

### **3. Southeastern Mental Health Center – (Becky Page)**

Staff recommends that the Board of Commissioners consider approving the Local Business Plan for Southeastern Mental Health Center.

Art Constantini, Director, reviewed the Local Business Plan and answered questions from the Board.

Vice-Chairman Norris moved to approve the Local Business Plan for Southeastern Mental Health Center. The vote of approval was unanimous. (Exhibit Book 34, Attachment #10)

### **4. Engineering – Exempt Projects – (Jeff Phillips)**

Staff recommends that the Board of Commissioners consider exempting the Solid Waste Transfer Station Pre-treatment System and the Park Improvements from the Mini Brooks Act.

The Director of Engineering requested to exempt Solid Waste Transfer Station Pre-treatment System and Park Improvements from the Mini-Brooks Act to save time, efforts and energy, and receive more competitive bids.

Commissioner Moore moved to exempt from the Mini Brooks Act; the Solid Waste Transfer Station Pre-treatment System to avoid additional notices of violation and Park Improvements to save time, efforts and energy, and to receive more competitive bids. The vote of approval was unanimous. (Exhibit Book 34, Attachment #11)

### **5. Lease and Operation Agreement – Brunswick Community College – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving an agreement with Brunswick Community College for the Lease and Operation of the College's Wastewater Treatment Plant and the conveyance of land owned by the College to the County.

The County Manager explained that a Title Search and Survey will be done before conveyance of the property.

Commissioner Sue moved to approve the Agreement with Brunswick Community College for the Lease and Operation of the College's Wastewater Treatment Plant and the conveyance of land owned by the College to Brunswick County. The vote of approval was unanimous. (Exhibit Book 34, Attachment #12)

### **6. South Central Water & Sewer - Unsewered Communities Grant Application–(Marty Lawing)**

Staff recommends that the Board of Commissioners consider adopting a Resolution authorizing the re-submittal of the Rural Center Unsewered Communities Grant Application.

Commissioner Rabon moved to adopt the Resolution authorizing the re-submittal of the Rural Center Unsewered Communities Grant Application. The vote of approval was unanimous. (Exhibit Book 34, Attachment #13)

**7. Non-profit Organization Funding Policy – (Steve Stone)**

Staff recommends that the Board of Commissioners consider approving the proposed Non-Profit Funding Policy and criteria.

The Board directed that only Department Directors, not designees, serve on the Funding Review Committee.

Vice-Chairman Norris moved to approve the Non-Profit Funding Policy and criteria. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #14)**

**8. Informational Report–Land Application of Wastewater Residuals and Septage – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider receiving an informational report on permits for the land application of Wastewater residuals and Septage which have been issued for sites in Brunswick County.

The County Manager explained that other counties and some counties across the State Line are hauling Wastewater residuals, also called Sludge, and Septage to our County. When regulations are not followed, ground water problems occur. Only one permit has been issued to the City of Wilmington to land apply Sludge from two Wastewater Plants and one Water Treatment Plant that expires in July 2004. Some counties regulate this Land Application through their Zoning Ordinance or Agricultural Use Permit that can only be approved by the Board of Commissioners.

The Board directed the County Manager to pursue options that require prior notification before any land application of Wastewater residuals and Septage in the County.

**(Exhibit Book 34, Attachment #15)**

**9. Rural Center Supplemental Grant Application–Elevated Water Storage Tank – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider adopting a Resolution authorizing the submittal of a Rural Center Supplemental Grant Application for funds to assist in the construction of an elevated water storage tank.

Commissioner Moore moved to adopt a Resolution authorizing the submittal of a Rural Center Supplemental Grant Application for funds to assist in the construction of an elevated water storage tank. The vote of approval was unanimous. **(Exhibit Book 34, Attachment #16)**

**10. Town of Belville - Stormwater Regulations Interlocal Agreement – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving an Interlocal Agreement with the Town of Belville for Stormwater Ordinance Administration.

Commissioner Sue moved to approve the Interlocal Agreement with the Town of Belville for Stormwater Ordinance Administration. The vote of approval was unanimous.

**(Exhibit Book 34, Attachment #17)**

**11. Land Transfer Tax - Discussion – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider discussing the Land Transfer Tax as a potential source of revenue to reduce the burden on the Ad Valorem Property Tax.

There was discussion regarding impact of the Land Transfer Tax towards low income citizens who won't be able to afford a house with this additional tax and "taxing" citizens out of their homes. The Board also discussed other means of reducing the burden on the Ad Valorem Property Tax.

The Board directed the County Manager to offer more options to reduce the burden on Ad Valorem Taxes, offer more dialog from other counties who support the Land Transfer Tax through Resolutions or other means. **(Exhibit Book 34, Attachment #18)**

## **VII. BOARD APPOINTMENTS**

### **1. Board of Equalization and Review**

Vice-Chairman Norris nominated Mack Hewett, Chairman Sandifer nominated James Shafor, Commissioner Moore nominated Hannon Templeton, and Commissioner Sue nominated Ira Butler. Commissioner Moore moved to table District 4 appointment. The vote of approval was unanimous. Commissioner Sue moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointments of Mack Hewett, James Shafor, Hannon Templeton and Ira Butler. The vote of approval was unanimous.

Mack Hewett, Hannon Templeton and Ira Butler were re-appointed to serve another 2-year term. James Shafor will fill the expired term of Frances Warner. All terms will expire April 1, 2005.

### **2. Criminal Justice Partnership Program**

Chairman Sandifer moved to approve the recommended re-appointment of Kathy Owens, Hubert Reaves and Marion Warren, and also approve the recommended appointment of Patty Dew to fill the unexpired term of Amy Bland (resigned). The vote of approval was unanimous.

Kathy Owens and Marion Warren will serve another 3-year term that will expire February 1, 2006. Hubert Reaves will serve another 2-year term that will expire February 1, 2005. Patty Dew will serve the unexpired term of Amy Bland that expires January 1, 2005.

### **3. Fire Fee Committee**

Vice-Chairman Norris nominated:

Dale Chadwick	Sunset Beach
Martha Jo Hall	Shallotte Point
Forest King	Calabash
Wayne Benton	Longwood/Grissettown
Brad Watford	Ocean Isle

Chairman Sandifer nominated:

Mike McCumbee	Tri-Beach
Perry Hall	Civietown
Albert Parker	Supply
Ken Mercer	Bolivia

Commissioner Moore nominated:

Richard Bradley	Sunset Harbor/Zion Hill
Rick Holbrook	Yaupon Beach
James Criscoe	Oak Island
Charlie Miller	St. James
Linda Brinson	Southport

Commissioner Rabon nominated:

Ralph Frazier	Winnabow
Boyd Stanley	Boiling Spring Lakes
Ralph King	Waccamaw
Jerry Jones	Shallotte

Commissioner Sue nominated:

William James McKoy	Northwest
Elmer D. Gainey	Leland
Van H. Clark	Navassa

Chairman Sandifer moved to close the nominations. The vote of approval was unanimous.

Chairman Sandifer moved to approve the appointments to the Fire Fee Oversight Committee. The vote of approval was unanimous.

#### **4. Marine Fisheries Advisory Board**

Commissioner Sue nominated Elgie Jones. Chairman Sandifer moved to close the nominations. The vote of approval was unanimous. Chairman Sandifer moved to approve the appointment of Elgie Jones. The vote of approval was unanimous.

Mr. Jones will fill the expired term of James Cooke that expires February 1, 2005.

### **VIII. COUNTY ATTORNEY'S REPORT**

#### **1. Deed of Dedication, Sandpiper Bay Golf Plantation**

The County Attorney discussed the Deed of Dedication of Sandpiper Bay Golf Plantation. Vice-Chairman Norris moved to approve the Deed of Dedication. The vote of approval was unanimous. (**Exhibit Book 34, Attachment #19**)

#### **2. Budget Transfer**

The County Attorney explained that the ADM and Northwest Water Plant Lawsuits required outside Counsel with fees totaling \$141,000.

Commissioner Moore moved to approve the \$141,000 Budget Transfer. The vote of approval was unanimous. (**Exhibit Book 34, Attachment #20**)

#### **3. Closed Session**

**7:51 p.m.** Vice-Chairman Norris moved to enter Closed Session pursuant to NCGS 143-318.11

(a) (3) consult with Attorney over potential litigation. The vote of approval was unanimous.

**BREAK** Chairman Sandifer called a ten-minute break.

**9:17 p.m.** Chairman Sandifer called the Open Session back to order and announced that no action was taken.

### **X. OTHER BUSINESS/INFORMAL DISCUSSION**

Vice-Chairman Norris announced that a Freedom Rally will be held on March 29, 2003 at 4:00 p.m., West Brunswick High School for citizens to show support of our troops in Iraq.

The Board gave direction to the County Attorney to draw a Resolution of Support.

The Board members offered a Happy Birthday to Commissioner Moore.

#### **The Brunswick County Commissioners, Meeting in Regular Session, convened on March 17, 2003, are hereby**

**RESOLVED**, that an oppressive and wicked element exists in the World Order, and he has practiced corruption, and suppressed the Human Spirit, both within and outside Iraq.

**RESOLVED**, that our Government has determined that this element should be handily dispatched, which work calls upon the Willing and the Brave to go and do this Structured Chore.

**RESOLVED**, that these women and men that wear our Uniform and execute our Leaders' Orders are from among us, our daughters and sons, and cousins and aunts, our uncles and friends, and they are on a distant battlefield in our Stead.

**RESOLVED**, that we put all political misgivings or nationalisms aside, and hold these Patriots in the Light, who face their own fears and the military embattlements of the Iraqi units with zeal and devotion, hoping to establish a better world, to secure the blessings of liberty for themselves and their posterity, and remind us that had not an earlier set of patriots taken bold and risky measures, our stature as the Land of the Free and the Home of the Brave would yet be a thing of Hope—a dream of Possibilities.

**THEREFORE**, The Brunswick County Commissioners do this day declare their Unity of Support, and are further Resolved to show our Servicewomen and Servicemen, that their efforts do not go

unappreciated, that their Hopes are kept alive, that Patriotism is once again an honored virtue, and that sacrifice for one's County is still a respected Dignity. The Brunswick County Commissioners are further **RESOLVED** to invite all the patriotic Citizens of Brunswick County to attend the Rally in Support of the Troops, to be held at the West Brunswick High School Football Field on March 29, 2003, at 4:00 PM in the afternoon.

This the 17<sup>th</sup> day of March, 2003.

s/David R. Sandifer, Chair  
Brunswick County Commissioners

Attest:  
s/Deborah S. (Debby) Gore, Clerk to the Board, CMC

### **XI. ADJOURNMENT**

Commissioner Moore moved to adjourn the Regular Meeting at 9:19 p.m. The vote of approval was unanimous.

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David R. Sandifer, Chairman

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Deborah (Debby) Gore, Clerk to the Board